

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA,)	
INC.,)	
)	No. 1:11-cv-08808
Plaintiffs,)	
)	Judge Steven C. Seeger
v.)	
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG)	
MARKETERS, INC., CAL-MAINE)	
FOODS, INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

RESPONSE TO NOTICE OF INTENT

Defendants Cal-Maine Foods, Inc., Rose Acre Farms, Inc., United Egg Producers, Inc., and United States Egg Marketers, Inc. respectfully provide this Response to the Notice of Intent to File a Statement of Interest and Unopposed Request to Extend Defendants' Reply Deadline, filed by the United States Department of Justice on January 22, 2024.

The Department's Notice was filed months after Cal-Maine and the other Defendants filed their Rule 50 motions, and weeks after Plaintiffs filed their oppositions to those motions. While the Department could seek intervention at the appellate stage to address legal issues, it has chosen to insert itself now in the midst of Rule 50 briefing. While Cal-Maine does not take a position on the propriety of the

Department's decision to file this Notice of Intent at this stage, Cal-Maine submits this Response to clarify the proposed briefing schedule.

During Defendants' discussion with the Department regarding briefing on its Statement of Interest, it was Defendants' understanding that the Defendants would have two weeks to respond to the Department's Statements. There was no discussion regarding Plaintiffs filing a response. Because Plaintiffs have not received permission to file a sur-reply with respect to the pending Rule 50 motions, Cal-Maine submits that allowing Defendants and Plaintiffs to simultaneously respond in two weeks could result in Plaintiffs' response amounting to a sur-reply.

Given the Department's indication that it intends to file its Statement this coming Friday (January 26), Cal-Maine respectfully asks that the Court modify the Rule 50 briefing schedule as follows. Plaintiffs will respond to the Department's Statement no later than February 2, 2024. Defendants will file reply briefs in support of their Rule 50 motions and responses to the Department's Statement no later than February 9, 2024, with each Defendant having 30 pages for its combined reply brief and response.

Dated: January 24, 2024

Respectfully submitted,

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